

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DAWIT HABTEGIORGIS,

Plaintiff,

vs.

OIC OF WASHINGTON,

Defendant.

NO: CV-08-3077-RMP

**STIPULATED PROTECTIVE  
ORDER**

BEFORE the Court is the Parties Motion for Protective Order (Ct. Rec. 151) and the Parties Motion to Expedite the same (Ct. Rec. 148). The parties, by their signature below, stipulate to the following:

**1. BACKGROUND AND RECITALS**

Only July 1, 2010, the Court ordered electronic discovery to be produced. Due to defendant's confidentiality concerns (Ct. Rec. 123 at p. 3, lns. 24- 27), the Court also ruled that the defendant would be allowed an opportunity to redact any

1 “confidential information, such as clients’ social security numbers,” prior to  
2 providing the results to the plaintiff. (Ct. Rec. 123 at p. 4, lns. 14 - 19). At the  
3 conclusion of the searches, plaintiff left the documents with defendant to be  
4 redacted.

5 On August 25, 2010, defense counsel contacted plaintiff’s counsel, via e-  
6 mail, to propose a stipulated protective order. Defendant’s allege reasons for the  
7 protective order are: (1) that the results of those searches are quite voluminous,  
8 yielding approximately 60,000 pages of documents; (2) that the redaction process  
9 would be very time consuming and expensive; (3) as a general proposition, it is  
10 anticipated that any use of these documents during this litigation will probably  
11 not hinge upon such confidential information, but, rather, will probably be based  
12 upon other substantive information within the documents; and (4) both sides have  
13 an interest in keeping this litigation moving, without any further delays.

14 On all accounts, the parties and their respective counsel believe that entry  
15 of an appropriate Stipulated Protective Order should suffice to protect the  
16 defendant’s interest, rather than requiring the defendant to redact the documents.  
17 Accordingly, the parties respectfully ask the Court to enter a Stipulated Protective  
18 Order to protect the documents retrieved as a result of the searches conducted  
19 pursuant to the Court’s Order at Ct. Rec. 123, p. 4, lns. 9 - 20.

1                   **2. TERMS OF THE STIPULATED PROTECTIVE ORDER**

2           A. The documents from the above-referenced ten (10) searches will be  
3 provided by duplicate DVDs and shall only be used for purposes of this litigation.  
4 Defendant represents that only the results of the above-referenced completed  
5 searches have been saved to duplicate DVDs to be provided to the plaintiff. Such  
6 documents shall not be disclosed or provided to anyone or any entity other than  
7 the parties to this litigation, the attorneys of record for the parties, and to the  
8 Court, or as directed by the Court.

9           B. In the event that any party desires to use any portion of such  
10 information or documents during the pre-trial portion of this litigation (*i.e.*, during  
11 motion practice, during other discovery such as depositions, etc.), the offering  
12 party shall make a “good faith” effort to redact the following items:

- 13                   1. Names of the defendant’s clients/customers;  
14                   2. Addresses and telephone numbers of the defendant’s  
15                   clients/customers; and  
16                   3. Social security numbers and other identification  
17                   information of the defendant’s clients/customers.

18           C. In the event that the non-offering party believes that the offering party  
19 has failed to comply with the redaction requirements of subparts “B.” above,  
20 counsel for non-offering party shall attempt to confer with counsel for the

1 offering party in an attempt to resolve the dispute. If counsel for the offering  
2 party agrees that additional items or information should have been redacted,  
3 the preferred method of correcting the matter shall be for the offering party to file  
4 one or more amended pleadings and to request the Court to strike/withdrawal the  
5 original pleading(s) wherein insufficient redactions were applied. By contrast,  
6 if counsel for the offering party disagrees that additional items or information  
7 should have been redacted, the non-offering party (following the actual or  
8 attempted conference between counsel) may elect to file one or more motions  
9 seeking appropriate relief.

10 D. During trial, all decisions regarding redaction of any information or  
11 items shall be made by the presiding Judge.

12 E. Within thirty (30) calendar days following the conclusion of this  
13 litigation (including any appeals), the plaintiff shall return to the defendant all  
14 documents and information (including all physical copies and electronic copies)  
15 contained on the above-referenced duplicate DVDs. In addition, the restrictions  
16 within subpart "A." above shall remain operative and binding, even after  
17 conclusion of this litigation. Accordingly,

**IT IS HEREBY ORDERED:**

1. Parties Motion to Expedite (**Ct. Rec. 148**) is **GRANTED**.

2. Parties Motion for Protective Order (**Ct. Rec. 151**) is **GRANTED**.

3. The operative provisions of this Stipulated Protective Order (as contained within subparts "A." through "E." above) are adopted and entered as a binding Order of this Court.

The District Court Executive is directed to enter this Order and provide copies to counsel.

DATED this 8th day of September, 2010.

*s/Rosanna Malouf Peterson*

ROSANNA MALOUF PETERSON  
United States District Court Judge

Presented jointly by:

s/ D. R. (Rob) Case

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